



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART III

#### RIGHTS OF PUBLIC SECTOR TENANTS

##### *General*

#### **82 Interpretation of this Part.**

In this Part and in sections 14, 19, 20 and 216, except where provision is made to the contrary,

“application to purchase” has the meaning assigned to it by section 63;

“family” and any reference to membership thereof shall be construed in accordance with section 83;

“fire authority” means a fire authority for the purposes of the <sup>M1</sup>Fire Services Acts 1947 to 1959 or a joint committee constituted by virtue of section 36(4) (b) of the Fire Services Act 1947;

“heritable proprietor”, in relation to a house, includes any landlord entitled under section 3 of the <sup>M2</sup>Conveyancing (Scotland) Act 1924 (disposition of the dwelling-house etc. by persons uninfert) to grant a disposition of the house;

“housing co-operative” has the meaning assigned to it by section 22;

“landlord” means a person who lets a house to a tenant for human habitation, and includes his successors in title;

“offer to sell” has the meaning assigned to it by section 63(2) and includes such offer to sell as is mentioned in section 71(1)(d);

“police authority” means a police authority in Scotland within the meaning of section 2(1) or 19(9)(b) of the <sup>M3</sup>Police (Scotland) Act 1967 or a joint police committee constituted by virtue of subsection (2)(b) of the said section 19 and any police authority constituted in England and Wales or Northern Ireland under corresponding legislation;

“secure tenancy” means a secure tenancy within the meaning of section 44;

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“tenancy” means any agreement under which a house is made available for occupation for human habitation, and “leases”, “let” and “lets” shall be construed accordingly;

“tenant” means a person who leases a house from a landlord and who derives his right therein directly from the landlord, and in the case of joint tenancies means all the tenants.

**Modifications etc. (not altering text)**

**C1** S. 82 modified (13.3.1992) by S.I. 1992/325, regs.3, 5, 7, **Sch. 1**

**Marginal Citations**

**M1** 1947 c.41.

**M2** 1924 c. 27.

**M3** 1967 c.77.

**83 Members of a person’s family.**

- (1) A person is a member of another’s family for the purposes of this Act if—
- (a) he is the spouse of that person or he and that person live together as husband and wife; or
  - (b) he is that person’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purposes of subsection (1)(b)—
- (a) a relationship by marriage shall be treated as a relationship by blood;
  - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood;
  - (c) the stepchild of a person shall be treated as his child; and
  - (d) a child shall be treated as such whether or not his parents are married.

**Modifications etc. (not altering text)**

**C2** S. 83 applied by Housing (Scotland) Act 1988 (c. 43, SIF 61), **ss. 37(4), 52**

**C3** S. 83 modified (13.3.1992) by S.I. 1992/325, regs.3, 5, 7, **Sch. 1**

**84 Service of notices.**

- (1) A notice or other document which requires to be served on a person under any provision of this Part or of section 216 may be given to him—
- (a) by delivering it to him;
  - (b) by leaving it at his proper address; or
  - (c) by sending it by recorded delivery post to him at that address.
- (2) For the purposes of this section and of section 7 of the <sup>M4</sup>Interpretation Act 1978 (references to service by post) in its application to this section, a person’s proper address shall be his last known address.

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**Modifications etc. (not altering text)**

C4 S. 84 modified (13.3.1992) by S.I. 1992/325, regs.3, 5, 7, Sch. 1

**Marginal Citations**

M4 1978 c. 30.

[<sup>F1</sup>84A **Application of right to buy to cases where landlord is lessee.**

- (1) Sections 61 to 84 (but not 76 or 77) and 216 (the “right to buy” provisions) shall, with the modifications set out in this section, apply so as to provide for—
  - (a) the acquisition by the tenant of a house let on a secure tenancy of the landlord’s interest in the house as lessee under a registered lease of the house or of land which includes it or as assignee of that interest; and
  - (b) the obtaining of a loan by the tenant in that connection,as these sections apply for the purposes of the purchase of a house by the tenant from the landlord as heritable proprietor of it and the obtaining by the tenant of a loan in that connection.
- (2) References in the right to buy provisions to the purchase or sale of a house shall be construed respectively as references to the acquisition or disposal of the landlord’s interest in the house by way of a registered assignation of that interest and cognate expressions shall be construed accordingly.
- (3) The reference in section 61(2)(b) to the landlord’s being the heritable proprietor of the house shall be construed as a reference to the landlord’s being the holder of the interest of the lessee under a registered lease of the house or of land which includes it.
- (4) References in the right to buy provisions to the market value of or price to be paid for a house shall be construed respectively as references to the market value of the landlord’s interest in the house and to the price to be paid for acquiring that interest.
- (5) References in section 64(1) to the tenant’s enjoyment and use of a house as owner shall be construed as references to his enjoyment and use of it as assignee of the landlord’s interest in the house.
- (6) The reference in subsection (4) of section 64 to an option being offered to the landlord or to any other person to purchase the house in advance of its sale to a third party shall be construed as a reference to an option being offered to have the interest acquired by the tenant re-assigned to the landlord or assigned to the other person in advance of its being disposed of to a third party; and the references in subsection (5) and (9) of that section to an option to purchase shall be construed accordingly.
- (7) In this section and section 76—

“registered lease” means a lease—

  - (a) which is recorded in the general register of sasines; or
  - (b) in respect of which the interest of the lessee is registered in the Land Register of Scotland

under the Registration of Leases (Scotland) Act 1857; and

“registered assignation” means, in relation to such a lease, an assignation thereof which is so recorded or in respect of which the interest of the assignee has been so registered.]

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**Textual Amendments**

**F1** S. 84(A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 178(2)

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**Modifications etc. (not altering text)**

**C5** S. 84A modified (13.3.1992) by [S.I. 1992/325](#), regs. 3, 5, 7, [Sch. 1](#)

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